

The Honorable Jamal N. Whitehead

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KURT A. BENSHOOF,)	
)	No. 2:24-cv-00382-JNW
Plaintiff,)	
v.)	RESPONSE TO PLAINTIFF'S
)	MOTION TO STAY
DAVID S. KEENAN,)	
)	<i>Noted for September 11, 2024</i>
Defendant.)	
)	

On March 15, 2005, Plaintiff Kurt Benshoof filed a motion for leave to proceed in forma pauperis ("IFP") in this lawsuit against King County Superior Court Judge David Keenan. Dkt. 1. On April 2, 2024, Magistrate Judge Peterson issued a Report and Recommendation that IFP status be denied. Dkt. 5. Benshoof filed an amended motion, and on April 15, 2024, Magistrate Judge Peterson issued a second Report and Recommendation that IFP status be denied. Dkt. 14. On July 30, 2024, this Court granted Benshoof leave to proceed IFP. Dkt. 19. The complaint against Judge Keenan was therefore filed on July 30, 2024. Dkt. 20. No summons has issued to date.

In July, Benshoof was arrested and is now in jail in King County pending various criminal charges in Seattle Municipal Court and King County Superior Court. Dkt. 25. He has moved to stay this matter indefinitely until he is released from jail. *Id.*


As this Court is aware, many incarcerated individuals are able to litigate their claims in federal court. Benshoof alleges that he doesn't have access to "legal documents" but does not

1 specify any document relevant to this action. Benshoof's motion indicates that the clerk's office
2 has provided him with the proper forms to request issuance of a summons. This motion
3 demonstrates that he is capable of creating documents and filing them with this Court. Benshoof
4 is free to request issuance of a summons and request a waiver of service pursuant to FRCP 4(d).
5 There is no basis to stay this lawsuit indefinitely.

6 *I certify that this memorandum contains 254 words, in compliance with the Local Civil*
7 *Rules.*

8 DATED this 30th day of August, 2024.

9 LEESA MANION (she/her)
10 King County Prosecuting Attorney

11 By: 
12 ANN SUMMERS, WSBA #21509
13 COLIN GEORGE, WSBA #45131
14 Senior Deputy Prosecuting Attorneys
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21
22
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CERTIFICATE OF FILING AND SERVICE

I hereby certify that on August 30, 2024, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF E-filing system which will send automatic notification to the following:


Kurt A. Benshoof
1716 N 128th Street
Shoreline, WA 98133
kurtbenshoof@gmail.com
Pro Se Plaintiff

I also hereby certify that on August 30, 2024, I sent the same via US Postal Service to the following:

Kurt A. Benshoof
B/A 2024-008067
King County Correctional Facility
620 West James Street
Kent, WA 98032

I declare under penalty of perjury under the laws of the United States of America and the State of Washington that the foregoing is true and correct.

DATED this 30th day of August, 2024.



RAFAEL A. MUNOZ-CINTRON
Paralegal I – Litigation Section
King County Prosecuting Attorney's Office